

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

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2020 ND 230

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In the Matter of the Vacancy in Judgeship No. 5, with Chambers in Cavalier  
and Langdon, Northeast Judicial District

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No. 20200264

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Per Curiam.

[¶1] On October 2, 2020, Governor Doug Burgum notified the Supreme Court of the retirement of the Honorable Laurie A. Fontaine as Judge of the District Court, with chambers in Cavalier and Langdon, Northeast Judicial District, effective January 29, 2020. Judge Fontaine's retirement creates a vacancy under N.D.C.C. § 27-05-02.1.

[¶2] Under N.D.C.C. § 27-05-02.1, within 90 days of receiving notice of a vacancy, this Court is required to review judicial vacancies and determine whether the office is necessary for effective judicial administration. This Court may, consistent with that determination, order a vacancy filled, order the vacant office transferred to another judicial district in which an additional judge is necessary, or abolish a vacant judicial office with or without a transfer.

[¶3] Under N.D. Sup. Ct. Admin. R. 7.2, notice of a written consultation with attorneys and judges and other interested persons in the East Central Judicial District was posted October 8, 2020, on the website of the Supreme Court regarding the vacancy created by Judge Fontaine's resignation of Judgeship 5. Notice was also electronically provided to all presiding judges of the state. Written comments on the vacancy were received through October 28, 2020. This procedure is sufficient for purposes of the consultation required under N.D.C.C. § 27-05-02.1.

[¶4] Comments were received in favor of retaining this judgeship in its current location from state legislators, attorneys, county commissioners, Dean

of the UND School of Law, judges, law enforcement, and social services personnel. No comments or petitions were received to relocate this vacancy. A report containing population and caseload trends, and other criteria identified in Section 4, N.D. Sup. Ct. Admin. R. 7.2, was filed October 22, 2020, by the Northeast Judicial District. The State Court Administrator provided weighted caseload statistics through September 2020. The report shows that the two-year average need for judicial officers in the Northeast Judicial District decreased slightly from 5.57 in 2018-2019 to 5.41 in 2019-2020. The report reflects a district overage of 0.43 judicial officers based on the 2019-2020 two-year average.

[¶5] The Northeast Judicial District is comprised of Benson, Bottineau, Cavalier, McHenry, Pembina, Pierce, Ramsey, Renville, Rolette, Towner and Walsh counties, with judges chambered in Bottineau, Cavalier and Langdon, Grafton, and Rugby, and two judges chambered in Devils Lake. This district does not have a judicial referee. According to the district's report, Judgeship No. 5 is responsible for all caseload within Cavalier and Pembina Counties and also is primarily assigned to cases in Walsh County. The population of the counties in the Northeast district remained fairly constant from 2017-2019. The population of Cavalier, Pembina and Walsh counties are projected to slightly decrease through 2019. The total case filings for the district is projected to increase in 2020 over 2019. Caseload filings of felonies, infractions, and administrative traffic increased. Caseload filings of contract collection, forcible detainer, extradition, and misdemeanors decreased.

[¶6] Under the criteria of Section 4, N.D. Sup. Ct. Admin. R. 7.2, the Court considered all submissions received by the Court and its own administrative records on state-wide weighted caseload data.

[¶7] Based on the record before us, this Court determines the office is necessary for effective judicial administration in the Northeast Judicial District.

[¶8] IT IS HEREBY ORDERED, that Judgeship No. 5 at Cavalier and Langdon, Northeast Judicial District, be filled in the manner provided by N.D.C.C. Chapter 27-25.

[¶9] Jon J. Jensen, C.J.  
Gerald W. VandeWalle  
Daniel J. Crothers  
Lisa Fair McEvers  
Jerod E. Tufte